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COMMITTEE ON JUDICIARY
May 10, 2005
Confirmation Hearing and LR 76

The Committee on Judiciary met at 12:00 p.m. on Tuesday, May 10, 2005, in Room 1113 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a confirmation hearing and public hearing on LR 76. Senators present: Patrick Bourne, Chairperson; Dwite Pedersen, Vice Chairperson; Ray Aguilar; Ernie Chambers; Jeanne Combs; Mike Flood; Mike Foley; and Mike Friend. Senators absent: None.

CONFIRMATION HEARING ON
ROBERT HOUSTON TO THE
DEPARTMENT OF
CORRECTIONAL SERVICES

SENATOR BOURNE: Given that this is a noon confirmation hearing and one resolution,...(interruption). On that note, we'll get started. We're going to hear two measures over the noon hour. We're going to hear the confirmation hearing of Robert Houston, Director of Department of Correctional Services and LR 76 introduced by Senator Landis. The members of the committee to my left are Senator Flood from Norfolk; Senator Friend from Omaha. The committee clerk is Laurie Vollertsen. The legal counsel is Jeff Beaty. To my right is Mike Foley from Lincoln; Senator Combs from Milligan; and Senator Pedersen from Elkhorn. With that, I think we'll begin with the confirmation of Robert Houston. Mr. Houston, if you'd like to step forward. As with all of our confirmation hearings, we will take both proponent and opponent testimony and we'll also hear neutral testimony if there is any. Could I have a showing of hands of those folks here to testify in support? Those in opposition? Those neutral? Seeing none, Mr. Houston, if you'd like to give an opening, tell the committee about yourself.

ROBERT HOUSTON: (Exhibit 1) Well, good afternoon. My name is Robert Houston and I was just recently appointed by Governor Heineman to the Director of Corrections position with the State of Nebraska. And I believe you probably have my resume so I won't go through it entirely but just to highlight it. I started a little over 30 years ago with the Nebraska Department of Corrections, having worked part-time with the Douglas County Department of Corrections my last year of college and worked with the state for 29 years

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starting as a counselor. And I left the department two years ago at the level of assistant director. I'd been a warden for 11 years previous to that and deputy warden of the state penitentiary previous to that in other positions. Went to Douglas County for two years as the director of corrections and then came back to this appointment. So that's a little bit about the background. What I think I bring to the department is a lot of experience in corrections in various institutions both at the county level and at the state level. Part of the things that I've been able to do over the years is try to resolve conflict and I know there's been some conflicts the Department of Corrections has been involved with and part of it is the nature of the business and part of it is things that we can do something about. And so my job is going to be to resolve conflict, move the department forward, build upon the good basis I think that Harold Clarke and the staff have established and to further our reentry program, to further our efficiencies so that we can move inmates through the system while protecting the public, that we use community resources, that we move people towards community corrections, and that we have good decision-making there to make certain we're protecting the public but at the same time minimizing the cost to the state, to the taxpayers in doing such.

SENATOR BOURNE: Thank you. Are there questions for Mr. Houston? Senator Foley.

SENATOR FOLEY: Thank you. Thank you, Mr. Houston, for your service, your willingness to serve the state of Nebraska as department chairman. There's a memo prepared by the ombudsman's office that was sent to the Judiciary Committee and I think you were copied in on the memo. And the memo makes the point that the ombudsman's office asks many agencies of state government for information and, as a rule, our experience over the years in obtaining information from state agencies has been quite positive. The only agency where this has been an exception has been the Department of Corrections. And I wonder if you could speak to that allegation that the department has not been responsive to the ombudsman's office.

ROBERT HOUSTON: Okay. Well, my relationship with the ombudsman's office has been good both when I was at Douglas

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County because there was a couple of issues up there that we were able to resolve and also previous to that. I know that there's been times where we've had differences of opinion about particular things but the relationship has been good. I do know that there's been times where there's been requests that the ombudsman's office felt weren't being honored, either with documents and what I can say to that is that I work with an open style. I try to engage people, try to resolve conflict, and should we run into problems in obtaining documents or cooperation and so forth, I'll work to the best of my ability to make certain that these things are not repeated.

SENATOR FOLEY: I appreciate that because when I first came to the Legislature about five years ago, perhaps I should have anticipated this but I didn't. I was surprised at the number of inmates that were contacting my office and asking for some assistance on various matters and typically we turn those inquiries over to the ombudsman's office. And I have noticed that the ombudsman does seem to have difficulties in this area, getting information from the department. Yet when I turn over other matters to the ombudsman's office it seems like we get our answers very quickly and situations are resolved. So if you can work better with that office and be more responsive that would be very helpful to us.

ROBERT HOUSTON: Yeah, I'll be pleased to do that. Yes.

SENATOR FOLEY: Thank you.

SENATOR BOURNE: Thank you. Senator Combs.

SENATOR COMBS: Mr. Houston, then I take that as a personal commitment from you to see that this does not continue. That's what I would like to have you maybe expound on a little bit. I would like to get a personal commitment. I mean, it's okay to say that we're going to do this the best we can and handle it but when you're personally committed then you take it beyond that and you don't take an easy no for an answer when they come and ask for what they need. So where do you stand on taking it that next step as far as being personally committed to see that it's carried through?

ROBERT HOUSTON: I'll personally commit myself to do that, to work to the best of my ability.

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SENATOR COMBS: Okay.

ROBERT HOUSTON: Both to avoid conflict where possible and to resolve conflict where it appears. Okay.

SENATOR COMBS: Thank you.

SENATOR BOURNE: Further questions? Senator Pedersen.

SENATOR Dw. PEDERSEN: Thank you, Senator Bourne. I've got several issues that I would like to speak to about, Mr. Houston, and you and I have spoke before. And but there's some things I think we need to get on the record. The committee is quite aware of what my involvement has been with the Department of Corrections in the 13 years that I've been with the Legislature. And, you know, for the record, you know, and everybody is quite aware that when you were first appointed I said, I was not going to support you and you're aware of that yourself. And how long have you worked for the department?

ROBERT HOUSTON: I've worked for the department twenty-eight and a half years.

SENATOR Dw. PEDERSEN: And you started out as a...

ROBERT HOUSTON: Counselor.

SENATOR Dw. PEDERSEN: ...and you ended up the?

ROBERT HOUSTON: Assistant director.

SENATOR Dw. PEDERSEN: Assistant director. So you have worked for the department except for the last two years?

ROBERT HOUSTON: Yes.

SENATOR Dw. PEDERSEN: When you were with the Omaha...Douglas County Department of Corrections which you, for the record, I know you did an excellent job there, wonderful job. But I've always called it the good old boy club out at corrections. And, basically, to start that, when I first came into the Legislature I wanted to see if I could be of some help in this area. And I did what I could

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and without trying to ruffle any feather and then the first time I had a meeting with the Department of Corrections was in the interim after my first year and from that point on, I've been, felt like I've been in an adversarial role that I've been doing with the Department of Corrections. And there's a lot of good people out there but from the very top, from the director of the department on down it would seem like it was supported, everything that was done out there was supported from him on down. And that's what ended up with...this is going to end up such a thing that there's so many people that have worked in this same group. Now can you come in and take that position and not show favoritism to them same people that you have worked with all them years? That is a real concern of mine because the department has worked, as I have seen it, as one close group knit people and that group knit has been very arrogant towards the...not just me but the whole Legislature and treated as like we were some kind of an annoyance every time we would send them a letter or ask any questions. And I'd like you to just say a little bit about how you would look at that as far as the Legislature and, obviously, the ombudsman's office has been already mentioned. The ombudsman is, as you know, a division of the Legislature. It's not under administration. It's not under...and I apologize for what did happen at the beginning of your appointment because that was a mess-up that happened, that you had nothing to do with in the administration and I apologize for that part. Maybe we'll see some changes in that administration later on down the road someday. But if you could respond a little bit to how you are going to handle that whole perception of arrogance that the department has had and us being an annoyance to them.

ROBERT HOUSTON: Okay. Well, first of all, I think the first thing I need to look at as the director of corrections is to look at our internal processes because there's a lot of things that happen inside the department that never come to the attention of the Legislature or your office or the ombudsman's office, things that inmates present or staff present. And we've worked towards resolving those issues. And so we need to have good solid processes to resolve those issues. Along with those issues would be issues that then, of course, in addition to that come to your attention, that of the ombudsman's office. And what I have personally committed myself to do is to work as cooperatively as I

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possibly can to rethink things, to remeasure things. Part of what may be interpreted as arrogance is that we know when we make decisions about things that we're making decisions that cover 4,180 inmates and over 700 people we have on parole. And so the department by its very nature is very conservative. But sometimes with that conservatism and not wanting to make a decision that extends things beyond where it's intended to be extended, we certainly take on the look of arrogance. And so what I want to make certain we do is that we think beyond the boundaries we're at now and that we make certain we give due consideration and that when we have to maintain a position or if we take a posture somewhat different that we be very explanatory and at the same time open to more information.

SENATOR Dw. PEDERSEN: The attitude goes a little bit further than just the Legislature and in my own feeling, some of this is from my own perception. And, again, for the record, you know, not all the inmates that write to me have a legitimate claim to what they're writing about. My office communicates with over a thousand inmates and it's over a thousand. Then in that respect, it also communicates with over a hundred employees. And the word that's always been given to me that all I communicated to was with disgruntled employees and disgruntled inmates. And would you believe that you would have that many disgruntled inmates and employees in that department?

ROBERT HOUSTON: Well, the people would have...

SENATOR Dw. PEDERSEN: A thousand out of 4,500 inmates and a hundred out of how many employees you have that would have that many disgruntled employees and that many disgruntled inmates at one time?

ROBERT HOUSTON: Well, I guess I concentrate on the numbers, obviously, because, you know, I mean, to have a lot of complaints is not a good thing but also what the basis of those complaints are. And, you know, there's issues that arise. I mean, it's a very difficult business that we're in and a lot of decisions are made that sometimes are not well accepted. But I think the most important thing is that we be open to make certain that we're efficient in how we respond, that we're courteous, and that we give consideration to the individual issues and not think only in

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what does this mean, you know, to another inmate? That we should look very specifically at things and be very courteous in our response.

SENATOR Dw. PEDERSEN: I've got several more questions but maybe you'd take care of a few of them if you would just...if I put it together and ask you, what are some of your current concerns or problems that need to be taken care of, first of all, in the Department of Corrections, as you see it as the director?

ROBERT HOUSTON: Okay. One of the things that I think is my job is to be a good servant of the public and to be efficient in operations, to make certain that as I make decisions or process decisions that I keep in mind that, you know, saving money and make certain that when we expend money it's well thought out as to how we expend it. The second thing is is that we need to be efficient and that comes with the cost savings, be efficient at what we do. We've recently been able to improve some efficiencies when it comes to our classification processes so that we now have formed a waiting list for people getting into community corrections. I think that is a big area of emphasis. We realize that we received the benefit of the Tecumseh facility to provide the maximum security services we need in the state. We also know that that was very expensive and we're determined to do everything we can to utilize our classification system, to change our classification system as we're doing now in line with the best practices and evidence base and move people into positions where we can move them into community corrections and also that we can position them at the lower custody levels so that they become better candidates for the Parole Board to parole. The reentry effort that we're doing is a very important part of our operations and so we're working to reclassify all 4,180 inmates by July 1. That's an important effort. We're also developing an instrument that gives a risk assessment as far as public risk so that we can start taking the candidates in line with the grant stipulations and moving them into our reentry programs both at the Omaha Correctional Center and then into our community center and out onto parole. So those are two major efforts that we're after.

SENATOR Dw. PEDERSEN: The new classification system, I've

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tried to read some of it because of personal things in the family and stuff, I haven't got it all read yet. What is the ultimate goal of that? I mean, have one or two goals. One is to get more people out of prison and one would be maybe to help keep them in there.

ROBERT HOUSTON: Well, the new classification just gives us a little better categories for reclassifying inmates. It's based on research rather than on past experience. It should give us a more solid basis upon which to make classification decisions. It also allows us to satisfy the stipulations specified in our grant for the reentry program. As we went through and as I communicated to your office, as we go through, inmates are being reclassified but nobody...if the classification instrument indicates that a person should move up in custody level, they'll stay at the same level if they've been responsible at that level. But what it does is position us better. We think that it's going to give us better candidates at lower custody levels.

SENATOR Dw. PEDERSEN: Because there's a possibility down the line where we might be changing some of the classification also of the whole institution like Omaha's minimum custody, minimum and medium, isn't it both...

ROBERT HOUSTON: It's medium-minimum, yes.

SENATOR Dw. PEDERSEN: Medium-minimum, yeah, Omaha.

ROBERT HOUSTON: Right, yes.

SENATOR Dw. PEDERSEN: And then we might be able to use one of the maximum security facilities...if you bring a maximum security facility down to a minimum-medium, does that not save money too?

ROBERT HOUSTON: It does. The physical plant as much as the custody level of the inmates kind of dictates what the expenditure of resources are going to be. In other words, we have fixed posts on the yard and the towers and so forth. But if we can drop the classification at some of the institutions there should be some attendant savings in resources.

SENATOR Dw. PEDERSEN: It you had a minimum security prison,

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you don't need as many guards. And I'm still out with the classification. I haven't read it so I don't want to get too deep into that. Is there any policies in the department that you think need to be overhauled or looked at?

ROBERT HOUSTON: One of the things we're looking now in relationship to community (inaudible) is that we're looking at the policies that we have, for example, on smoking at the community centers. We've been... (inaudible) the superintendents are looking at the number of violations we've had over the past few years in that area. When I left two years ago we were having quite a few violations. Since I've come back I find we're having just as many violations and so we're looking at that. We're doing everything we can to look at processes a bit more efficiently, moves people down the custody level, and then looking at processes that can keep them in the community with the idea that it's a protection of the public. The farther we have to go into our inmate population to get good candidates to move out to the community the greater we think the public risk may be. And so we want to minimize that by making certain that we have policies in place that, again, move people down and keep them there so.

SENATOR Dw. PEDERSEN: Director Clarke, do you... Clarke, I'm sorry. Director Houston. So used to talking to Director Clarke for many years. Director Houston, do you support programs that would help people come back on the street? For instance, people who have been in the control units, the hole as inmates call it, for long periods of time, doing different things with them before we release them even if they reach their mandatory release date?

ROBERT HOUSTON: Yes. One of the things that we developed at Douglas County, we didn't have at Douglas County, we did not have administrative confinement. And so we had a high assault rate on our staff and on the inmates. We were able to decrease that dramatically by developing administrative confinement. When we developed that we developed an attendant program called administrative segregation. You could call it something else but that's what we happened to call it at Douglas County. And basically what that was is a step down from administrative confinement. We don't have that with the state Department of Corrections. And I think in looking over 677 I think that we can get to that interest

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by putting back together, the committee we had to study administrative confinement and have them look at several things. The first thing I would have them look at is just what I mentioned and that is the step down housing unit where we could then have congregate observation as to how the inmates react with each other, how they live with each other. The second thing that that will do is that by having the inmates in a congregate situation not only can we judge their behavior but we could deliver resources to them in a more economic fashion. Right now the challenges when you have somebody on administrative confinement are intensive management. You have to deal with them one on one. If we get them into a step-down process and we can deal with them five or six on one, that makes it much more efficient and much more justifiable to expend resources that way. The third aspect that I would challenge the team to do is to look at the types of considerations that go into stepping a person off administrative confinement. We have people on that status that have been extremely violent, that have severely assaulted staff and other inmates, have taken life, and there are some people that just have to remain on that status for the benefit of the public but for the functioning of the institution. And so looking at those decisions, having step-down procedures would make it, I think would put us in a better position to make decisions...would put us in a better position to make decisions about stepping those individuals down. The other thing is an instrument we're developing in response to PRIA and that's the Prison Rate bill and we're developing a risk instrument on that. So those are some things that we're doing to look at administrative confinement.

SENATOR Dw. PEDERSEN: It's not uncommon right now, is it, in the way things have been at least up till your realm, that somebody could be released from the control unit, have to come to the gate in chains and shackles and handcuffs. And we take them chains and things off and give them some street clothes and we say good-bye to them. They come out of there straight from the hole, is that true?

ROBERT HOUSTON: Yes, that has happened and I can't say that that wouldn't happen in the future but, hopefully, if we are able to develop step-down processes. We've developed an incentive program that gives them some incentives for good behavior and if we can then have a step-down process,

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possibly we could take some of those people that have been that way, step them down into that congregate living and with the hope of getting them back into general population.

SENATOR Dw. PEDERSEN: That's very encouraging. I want to talk a little bit about work release. We have two work release centers. We have CCO and CCL where we have work release and work detail people in them facilities. Are you in support of more areas like...more of that type of correctional facility?

ROBERT HOUSTON: Yes, I am. But also I think that we can have a process also beyond that, you know, maybe a less secure facility than we even have there but, yes, as far as expanding community corrections I think that's the basis of your question. And, yes, I am.

SENATOR Dw. PEDERSEN: Let's go to that one. I like that idea you just mentioned. When I first came into the Legislature we had such a thing and I can't remember what it was called. Community furlough, is that right, is that what it was called?

ROBERT HOUSTON: Um-hum, extended leave.

SENATOR Dw. PEDERSEN: And that's basically where the inmate does their time at home, house arrest, which you're very familiar with in Douglas County because you set up a wonderful program in that area. Can you foresee us doing that type of thing in the state?

ROBERT HOUSTON: Yes.

SENATOR Dw. PEDERSEN: Whenever I've introduced that bill the Department of Corrections has come out against it because they said it couldn't be done constitutionally. If you're for it, do you think we could get it changed maybe?

ROBERT HOUSTON: Well, you know, I'd certainly look at it, you bet.

SENATOR Dw. PEDERSEN: Okay, it's been a real argument in that area. I have a couple other concerns. One is the overtime.

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ROBERT HOUSTON: Um-hum.

SENATOR Dw. PEDERSEN: Tecumseh had over, I think, right at a million and a half dollars last year in overtime. Have you got any ideas of what you want to do with what it's costing us in overtime?

ROBERT HOUSTON: Yes. I've gone into three situations as a...two situations as a prison warden and one situation as the director of Douglas County where we had high overtime. And I guess the interest I've taken there is twofold. One is is that it costs money, obviously, for overtime. A certain amount of, a small amount of overtime is good in that it saves taxpayer dollars because you don't have to hire as many staff but the down side of high overtime is is that it's very wearing on staff. They can't live a normal life. They can't have part-time jobs. They don't want to work any beyond that. It's unpredictable. They can't make arrangements for childcare. It's extremely taxing on staff. And so when I went to the youth facility, when I went to the Lincoln Correctional Center and then more recently when I went to Douglas County with high amounts of overtime, we brought those down. And there's two things that have to be done. Tomorrow morning I'm going down and spend the entire day at Tecumseh and in the afternoon we're going to spend two hours going over the staffing analysis. The reason we go over the staffing analysis is to look at what are the number of posts you have and do you have to have each one of those posts and how many staff do you have for that shift? And to think in terms of being efficient in hiring and replacing staff as we have turnover but then also challenging each post that we have to make certain it's something that's required for the safe operation on that facility. And so I'm extremely concerned about high overtime, not only Tecumseh but at any other facility because of the effects that it has. It affects efficiency, it affects staff morale and it has effects even beyond those things that become obvious.

SENATOR Dw. PEDERSEN: Surely, if you've got a staff that's very tired and worn out and their morale is low, they aren't going to treat the inmates very well either so it's got a lot of effect on the inmates.

ROBERT HOUSTON: Absolutely, absolutely...

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SENATOR DW. PEDERSEN: I can see that my own house, working two jobs and not getting any sleep (inaudible)...

ROBERT HOUSTON: Yeah, I mean, you know, sure they make more money but for what good? I mean, if you can't have a predictable day it really doesn't do you much good.

SENATOR DW. PEDERSEN: It's not my last question but it's going to be my last question for now. And I've got to read my notes. I've been writing here for (laugh) since I got back yesterday. It's already been mentioned about the ombudsman's office, the cooperation that the Legislature demands for the ombudsman's office because they're our arm. But I think it would be remiss if I didn't mention also the respect that I would want the department to give other branches of government, i.e. the auditor's office. Can we expect that full cooperation from you when the auditor comes out to do an audit?

ROBERT HOUSTON: They're out there now and they're getting our full cooperation and they'll continue to get our full cooperation. Yes.

SENATOR DW. PEDERSEN: There were some problems there and I think maybe if we'd got into them sooner we would have seen...not had the problem we had in the surplus department. And I was concerned about that also because the lady who actually embezzled the money was the only...had the (inaudible) out there and she had to have some supervisors that weren't doing their job either if she could get by with that. And that was completely put aside and that's concerning. Thank you. I appreciate your forwardness and your being honest with me.

ROBERT HOUSTON: Thank you, Senator.

SENATOR BOURNE: Thank you. The committee has been joined by Senator Chambers. Senator Aguilar.

SENATOR AGUILAR: Thank you. Director Houston, we hear a lot about the lack thereof of substance abuse treatment programs within the correctional center and the extensive waiting list that exists for people to take part in the programs. I guess my question is, do you see any way of

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expanding the treatment program so that we can get more people through that and shorten that waiting list up any?

ROBERT HOUSTON: Yes, and I wished I could give you a more definitive answer to that. But let me see if I can answer it this way. You know, there's always a struggle whether we make something voluntary or involuntary and some inmates will say, I'm glad you made me do it. And other inmates are saying, I would have participated more if I could have done it on my own. So there's always that struggle. But as far as utilization of resources, I think we need to develop a risk assessment instrument so that we identify those people who have the greatest need for substance abuse. And I also think that we need to kind of take a look at our paradigm as to where that needs to be delivered. Does it need to be delivered in the institution? Which I think we do, we need to be humane and we need to assist people while they're in the institution. But can some of those things we do in the institution also be done in the community? And I think by having a good risk assessment that we can reevaluate as to who has the greatest need and at what point in their incarceration they need to participate in the program. So I agree with that interest and having worked the housing units in various ranks it is frustrating when you have people sitting on a waiting list to go out because, you know, it would be better if we could apply that in a more effective manner so, yes.

SENATOR AGUILAR: Thank you.

SENATOR BOURNE: Further questions? Senator Combs.

SENATOR COMBS: Yeah, you asked one question I was going to ask. The other side of my question besides the substance abuse was the mental health. I know that that's a big need also is for the mentally ill to get some improved services and I know the ombudsmen probably try to work with people on that issue too and there is a lack of resources. Where do you see five years from now the department standing as far as improved mental health and substance abuse treatment? In other words, this is the situation we have now with these waiting lists and not enough providers. Where do you see that situation five years from now under your leadership?

ROBERT HOUSTON: Oh, good. Well, I'd like to give you a

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good answer on that and I'll try. I don't know exactly where we're going to be in five years. I can only talk to the processes that were put in place to try to get five years out and have quality mental health programs. I think a lot of how I answered with substance abuse applies here that we need to make certain that we prioritize those people that need that program and give them preference in involving them in the programs. I think it's critical that we have mental health programs for those people that are doing long periods of time for their situation. But we do need to have a risk assessment so we apply the limited resources we have most effectively as we can so, and then to ask for modest increases where we can justify it.

SENATOR COMBS: Well, and along that line, do you have the power to look at your infrastructure and cut back in some areas and reallocate resources to other programs rather than just ask for more?

ROBERT HOUSTON: Yes.

SENATOR COMBS: I guess I'm thinking of the 13 million that Director Clarke gave back to us last year. You know, that's a lot of money in your budget that you don't use and certainly there's a way to think outside the box. I've been an administrator. Are you looking ahead to things, you know, where even positions...I mean, there are hard decisions that have to be made. When you're talking about giving back 13 million bucks that's a lot of treatment for people, you know. And I guess if it's on your radar to be important and make priorities which we are prioritizing people now. I mean, that's why there's a waiting list because the ones that really need it are getting it. But I guess where are you with making a commitment to even, no matter where you have to reallocate and do you have the power to do that? Do you intend...I guess that's my first question. Do you intend, do you have a picture in your mind of doing anything like that?

ROBERT HOUSTON: Well, yes, and we do have the authority to do that albeit with permission that is granted. But, yes, we can not only look at whether or not we need to reclassify staff to that area I think is your question...

SENATOR COMBS: Yeah.

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ROBERT HOUSTON: ...but also as to how we can possibly train staff, case management staff and other staff, existing staff that we have to deliver some of the services that are related to this whether it be in an education form or preparation for mental health programs. Also, there's a...as Steve King just reminded me, that we're going through a reorganization. Dr. Cole is providing leadership for that where we're looking at how we're structured to deliver those resources and I think that's going to be something that's going to help us, carry us into the future so.

SENATOR COMBS: Okay. Yeah, I like...but I like it, instead of thinking well, if you'll give us some more money we'll do this. I like taking what you got, making lemonade out of lemons and face, and walk into the pain, and saying we need this. And by golly, I'm the director and we're going to get there by doing what I...that's where I see you and I think from what you're telling me, that's your intention to be that kind of director?

ROBERT HOUSTON: Yes, I think so, and I think the...much to...whether it be the pleasure or displeasure, I think outside of the Department of Corrections I think the Douglas County staff will tell you that I'm not afraid of making changes so.

SENATOR COMBS: Okay. Very good. Thank you.

ROBERT HOUSTON: Okay.

SENATOR BOURNE: Thank you. Further questions? Senator Chambers.

SENATOR CHAMBERS: Mr. Houston, for the record, did you and I have a meeting in my office?

ROBERT HOUSTON: Yes.

SENATOR CHAMBERS: And did we talk about a number of issues?

ROBERT HOUSTON: Yes.

SENATOR CHAMBERS: And did I hear you to understand that whatever happened in the past was in the past, that you're

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now in a new position and I'm starting with you with a clean tablet?

ROBERT HOUSTON: I had that impression.

SENATOR CHAMBERS: I lied. I'm kidding (Laughter).

ROBERT HOUSTON: Okay (Laughter).

SENATOR CHAMBERS: I couldn't let anybody come up when I'm talking to them without giving them a little bit of heartburn but I didn't want it to last too long.

ROBERT HOUSTON: Okay.

SENATOR CHAMBERS: I heard Senator Pedersen mention the ombudsman's office and I don't know what all was stated so I'm not going to have you repeat that or ask you a series of questions. But I've been concerned about the fact that the Legislature has to enact laws which in effect say, it's in the law but this time we mean it. There are staff members in the past who undermine the director, who have caused the Legislature to feel that corrections people think they don't have to respect the Legislature or the statutes. So I'm going to make a statement here because you're the top man and I don't know if anybody in the room is from out there, but I'm not going to go through that anymore. I have three years left. My patience is at the point where I have none. When the law is clear and we say that the ombudsman's office is to get this information. If they come to me and say that they didn't get it, I'm going to come directly to you. And it's going to be up to you to deal with the people under you. I mention because I don't brag. I've come through some of the lower levels of things. The lowest branch of the military is the Army. The lowest division of the Army is the infantry and the lowest level of infantrymen is riflemen. The lowest MOS as they call it, 111, my MOS was 111. I was a rifleman in the infantry in the Army so everybody was above me, everybody. The sergeant would always say and I'm sure every sergeant said it because when we went from basic to advanced, infantry training was the same thing. You make my job easy for me and your job is easy for you but you can never make my job harder for me than I can make yours for you. It's up to you to determine how much grief underlings are going to bring to you. And

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the law is clear on what the ombudsman's authority is because I was instrumental in helping to create the position of ombudsman for corrections. Since we're starting all things new, you know, underlings can know that too that I have no patience. And I'm going to bring the heat to bear because the ombudsman's office handles a lot of issues that we just don't have the time to deal with and that's why we created the office and gave that authority. And no lawyer with the corrections department is going to annul the statutes. And if I have to bring another bill to say in effect the same thing we've said before but this time I mean it, nobody can make my job harder for me than I can make theirs. And I just want everything to be open and above board. I'm not making any allegations or accusations against you because you're just starting. But I think you're entitled to know what my position is. If people want to be nice to me, nobody can be nicer to me than I'll be to them but if they want to challenge me and see how hard they can make it, then we'll see whose head will roll first. That's all that I would have. Thank you.

ROBERT HOUSTON: I understand. Thank you.

SENATOR CHAMBERS: Oh, and by the way, didn't I make it clear to you that not only would I not oppose your appointment but that I would support it?

ROBERT HOUSTON: Thank you.

SENATOR CHAMBERS: And I'm making that clear on the record.

ROBERT HOUSTON: Thank you.

SENATOR CHAMBERS: Okay.

SENATOR BOURNE: Thank you. Further questions? Senator Pedersen.

SENATOR DW. PEDERSEN: Thank you. Thank you, Senator Bourne. And this will be my last few questions for Director Houston. You do support more programming, don't you, to try and get people out sooner?

ROBERT HOUSTON: Yes, in fact, that's how I started my career was in programming.

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SENATOR Dw. PEDERSEN: Are you aware and I'm sure you are, but I'm going to talk about it just a little bit about how many people are being held up from getting to the Parole Board because of programming?

ROBERT HOUSTON: Yes, I know there are people that are, yes.

SENATOR Dw. PEDERSEN: And we could get more people out with that. Are you also aware that we need some more consistency between institutions and I'll give you an example. I just finished three programs in a row at LCC, the Lincoln Correctional Center. I'm transferred to the Omaha Correctional Center. I get a new caseworker and the caseworker says, you're going to go back to one, you have to do this, this, and this before I'll support you to go to the Parole Board. Do you believe something can be done to make that more consistent? Are you aware that that does happen?

ROBERT HOUSTON: That does happen, yes, once they go from institution to institution. They get a new case manager and sometimes the case manager looks at the same information and comes to different conclusions. That is something that we need to do a better job of working towards.

SENATOR Dw. PEDERSEN: And it happened mostly between some of them institutions because I see often the inmate has worked his way up through the ladder and get to transfer to the minimum security facility and they come halfway down and do all them steps again.

ROBERT HOUSTON: I want to revisit one part you talked about. I indicated earlier that we have to look at processes. One thing that we have in our process is to how we do evaluations before people move into the community. We're reassessing how we do that so that we're more efficient at that and line it up with the date of their release rather than the day they applied for that. So, yes, there's a lot of work we can do in that area. Yes, we need to be more efficient and yes, we need to have more consistency between the institutions as far as holding inmates accountable for their program.

SENATOR Dw. PEDERSEN: How about with employees? I mean, I haven't talked much about employees. But there's a lot of

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employees that feel like they've been really abused by working for the Department of Corrections. And some of that has been through administration and wardens and assistant wardens. And how do you feel about employees in general?

ROBERT HOUSTON: Well, I can give you a statistic from my time at the Douglas County Department of Corrections. We went from 104 staff disciplinary cases to 16 in the course of one year and the way we were able to do that is to take a look at our processes and take a look at those hearings and make certain that we do...we get good reports, that we do good investigations, and that we do everything we can to work with staff, resolve conflict before it comes to disciplinary. And out of that process it makes for much better relationships between the employees and those times that you do have to bring discipline that it's because you really have to.

SENATOR Dw. PEDERSEN: You had some very good experience with working with the union in Douglas County. The unions in the Department of Corrections aren't quite as strong so they're a little bit easier to roll over. But you're willing to work with the unions and they're an asset, a real asset to a good employee?

ROBERT HOUSTON: I think that the union contracts are there for a very good reason. That reflects the negotiations and reflects the intent of the union and management to have rules by which both can live to and I think it's an important role.

SENATOR Dw. PEDERSEN: I only have two small issues, not small issues, but things...I would like to know, there's two statements that are often made, Smart on Crime and Tough on Crime. Which side would you come down on?

ROBERT HOUSTON: Smart on Crime and Tough on Crime? Well, I think that at all times we need to be Smart on Crime. I think that they're...one of the reasons we're going to the research basis is to be more measured in what our responses are to the inmate population and I would think that would be true of other aspects of the criminal justice system that we be smart about how we do things so that we're effective and it has the measured response that we need.

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SENATOR Dw. PEDERSEN: And the reason I ask that kind of a question is that the perception to me has been at least using the report that the department sends out every year that, or every month or every six weeks or whatever it is that they send out. But when they're out talking to the public and it's from the director on down, that we talk about the part one offenses, the violent criminals, which out of over 4,000 inmates today we have only 298 of them. And yet we put all the emphasis on this is what we got a whole prison full of instead of, you know, we have over 2,000 of them that are minimum in there for minor offenses. And that's one of the areas that I would like to see the department work on instead of scaring people into do we need all this super maximum because everybody out there is a rapist, a pedophile, and a murderer that we don't...we have a lot of people out there too that just need some help and a restart.

ROBERT HOUSTON: Right. And one of the things that those statistics don't reflect is that indicates what their current crime is. Of those individuals who are not in those types of charges they may have had that in their background. One of the things that, when I went to Douglas County is I walked around, a lot of inmates knew me. Well, they were in on minor offenses. However, I knew them from the penitentiary in years gone by and so as we look at classification, we look at those statistics, we also have to keep in mind that even though their present offense may be minor, their history could have been something that's a serious threat to the public and we have to dial that into our classification scoring.

SENATOR Dw. PEDERSEN: One last question. You've mentioned a little earlier, LB 677 which is my priority bill and we'll probably be hearing it on the floor in the next couple of weeks. It's got three major parts into it. One of them is the deputy sheriffs that you now have, I think, two of or three? I'm not...I think it's just...

ROBERT HOUSTON: Yeah, two.

SENATOR Dw. PEDERSEN: You have two. And one is the administrative confinement and the other one is the study that we'd like the university to do. Where do you come down on the deputy sheriffs?

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ROBERT HOUSTON: Well, first of all, as I understand it, and I was with the department when we were formulating that was that there was a belief that we were trying to get around the law. I read some of the testimonies and I certainly...that was never part of the discussions that I was involved with when I was with the department in creating these two positions. And I guess Senator Combs asked for personal commitments. I personally commit that I would come back to this committee and let you know, before I created any more of those positions. We have a lot of laws on the books that need to be enforced and by having law enforcement resources, it's critical that we have those and whether that be in the form of a deputy sheriff or full-time State Patrol within the department and so forth, our interest is to have law enforcement resources available for us. One of the things I think that there would be an interest with the deputy sheriffs that we have. Also, we have other law enforcement officers that provide transportation that would be affected by any change in this. But if we need to more clearly outline in our policies as to how they do their job, we can certainly clarify that in our policies and procedures. So I guess that's where I'm at. My interest again is to have law enforcement staff full-time and available because of the magnitude of the number of people that we have and the type of issues we have inside of maximum security prisons. As far as the study is concerned, we support anything that especially, I mean, I've been with UNO criminal justice department for 20 years. I'm a graduate twice of the programs and so the people that you're talking about with the study are people that I've known since graduate school. And so to allocate resources to come in and study aspects of our operations, we welcome that. And also we have available to us resources through the National Institute of Corrections that could be joined with that so that there are people that are specialists in the areas that that study would concentrate in that could help if UNO became the vendor to help them in their search. As far as the administrative confinement is concerned, a lot of...I think that the real thing comes down, if I could tell a story, is that we have an inmate on the yard and he's got a bloody nose, a blackened eye, and somebody over in another housing unit that has a scraped knuckle and nobody's talking. That situation is not over. I was a warden, deputy warden, up through the ranks running housing units.

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Those situations just don't go away. What's also in the inmate culture is, you don't tell on other inmates. What's also in the inmate culture is, if you're given a lot of time you can't take the indignity of having been assaulted and so it's a heck of a conflict for the inmate to be on a yard where he's around 1,100 other people and he gets assaulted whether that be because of something he did prior to that or just because of who he is. Now part of the culture is, he can't tell on somebody else but at the same time in that same culture is, he can't take the indignity especially if he's going to be there for several years. And so staffer tasks to very carefully to go through the reports and to make decisions as to how we protect people and how we take those people that are predatory and separate them from the population. I indicated earlier that we dropped assaults severely or dramatically with the Douglas County Department of Corrections by forming administrative confinement. What we found was it wasn't so much that we were locking up the right people because we weren't locking up great numbers. I mean, I think when I left we only had a dozen or so out of a population of 1,300 on administrative confinement. But what it was was we made things safer for the inmates and by making it safer for the inmates it's kind of an unspoken contract that we have with the inmate population. You keep us safe and we won't cause you problems and we won't form gangs and we won't form protection areas. What I'm afraid of with administrative confinement is is that if it becomes restrictive the guy with the bloody nose, what do we do at this point? We know what we do now. At the end of the day we want everybody to be safe. But I think the interest that you get to that I talked about earlier is, once you get them there, okay, now what are you going to do to step them down? What are you going to do to make certain you have programs for them? And I think that's an area of mutual concern that we can work towards.

SENATOR Dw. PEDERSEN: Now LB 677 does not do away with administrative confinement.

ROBERT HOUSTON: Well, no, but what it does is it asks for clear and convincing evidence and that's a standard that would take a lot of resources to get to to have clear and convincing evidence. And in the story that I just indicated, it would be what types of information do we need along the line to get to that threshold where we could then

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separate those two inmates from each other? Because we know that situation is not over, that there's going to be either predatory behavior that's going to follow, an assault that's going to follow whether it be a day or two days later. There's going to be retaliation in some way. The inmates will even tell you, you better get so and so off the yard. The inmates know that we need to have the ability to put people on protective custody and also on administrative confinement.

SENATOR Dw. PEDERSEN: I'm hoping that that won't (inaudible), I mean, make that as guidelines to the use of instead of in any way, tying your hands so much. But we need to do sometime because I mean it's obviously just...in the past it's been put them in there and forget them.

ROBERT HOUSTON: Well, you know, and I think you have a good interest there. In fact, when I first came as director a few weeks ago, James Davis had contacted me about somebody who was in administrative confinement and awaiting the decision but being held beyond his time. And I think we had that person off within a couple of hours or at least the next day. And so, you know, I don't want inmates to be...to not be held when they need to be held and I don't want them held one minute beyond where they need to be held. It's a precious resource and we don't have an interest in keeping people in there for very long.

SENATOR Dw. PEDERSEN: I want to also say as Senator Chambers did that I have, you know, publicly that I am going to support you and I've told you that personally. And hope that we can be cooperative in what we're trying to do for the state of Nebraska and not be adversaries. Thank you for your.

ROBERT HOUSTON: Thank you.

SENATOR BOURNE: Thank you. Further questions? Seeing none, thank you.

ROBERT HOUSTON: Okay. Thank you very much.

SENATOR BOURNE: I'll poll the audience one last time. Are there any here that wish to testify in support? Any wishing to testify in opposition? Any neutral testifiers? That

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will conclude the confirmation for Mr. Houston. Senator Landis to open on LR 76. While she's making her way forward, are there members of the audience that wish to speak in support of this resolution? If you could your hands up. I see three. Those in opposition? I see none. Whenever you're ready. Welcome. (See also Exhibits 2, 3)

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LAUREL MARSH: (Exhibit 4) Hello, and my name is Laurel Marsh. That's spelled M-a-r-s-h. I'm here today on behalf of Senator David Landis who is the principal introducer of LR 76. Last summer, two representatives of the Governor's Youth Advisory Council contacted Dave's office. The group works to give the governor their perspective on selected subjects as young adults in Nebraska. They also learn how to contact and work with the legislative and executive branches of government. Dave agreed to introduce LR 76 because of the group's commitment and consider himself to be their conduit to the Legislature for this subject. LR 76 addresses foster care in Nebraska through the eyes of the foster child. What should a child in foster care in Nebraska expect? And if you would look specifically at a portion of the fourth item in the resolution, it states every child in foster care in Nebraska should receive an explanation appropriate to the age of the child as to why he or she has been placed in custody. Kids deserve to know in an age appropriate way what's going to happen to them and why. The list of items in LR 76 basically reflects the respect with which our youngest citizens should be treated. And I will turn this over now to members of the Governor's Youth Advisory Council so they can share with your their views.

SENATOR BOURNE: Thank you. Are there questions for Ms. Marsh first? Seeing none, thank you. First testifier in support. And I forgot to announce at the beginning, you did sign in?

ISHMA VALENTI: Yes.

SENATOR BOURNE: Okay, perfect. And then if you would just go ahead and sit down. If you would then state your name and spell it for the record. Thank you.

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ISHMA VALENTI: It's Ishma Valenti, I-s-h-m-a. Last name V-a-l-e-n-t-i. And I'm a member of the Governor's Youth Advisory Council. And I would just like to first give you as a little background of the resolution 76 started in the Governor's Youth Advisory Council as a foster care bill of rights. We were just going for the grand slam. And we are a council that looks at issues that affect youth and we look at bills and resolutions. And we write opinions and give our pros and cons and then we present this to senators and as well as the governor. And we decided that it's time that we just wanted to make our own bill, wanted to share really our own voice and really get something together that really, really we're passionate about. So we came together and we came up with this foster care bill of rights drafted by Michaela Dahlke (phonetic). She isn't present today but she's also a member of the Foster Youth Council. And what we did is we...the Governor's Advisory Council as well as the Foster Youth Council combined their forces and made subcommittees and really, really got response from youth around the state and we got our counselors together and we made sure that we're going over the right things and to make sure that this bill would be adequate to the needs of all the foster care children. Now if you go through this bill, we see that there's a lot of things that just look like commonsense things that are already assured that we would think. But these are just things that we almost take for granted and so what we wanted to do on March 21 we had a luncheon with senators and we told them our ideas and everything. And then as well as Michaela Dahlke (phonetic) and I went to Senator Landis which we had already had it connect through Laurel Marsh because she helped us out tremendously through our meetings of subcommittees and things to tell us the procedures to go through. And then we met with Senator Landis and he explained to us that we had a good idea but to use a quote from him, he said, "We don't want to lie to kids anymore." We know that the state doesn't have the resources and the funds right now or the time to adequately take care of this as we see it. And so what he suggested was to make a resolution that would work towards these goals. We want to work towards these goals and not hold someone accountable or punish someone but to actually work towards the goals so that the legislators and the citizens of the state can understand that there is a problem and that the foster care...where the foster care

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system is at right now isn't adequate. Again, we don't want to hold anyone accountable but we want to bring it to the attention to everyone that there needs to be changes which are all stated in the resolution. As well as how we've both worked with foster care councils as well as citizens like we brought out surveys and things. We have a lot of input from a lot of different directions on this. We've worked very, very, very hard and like, again, not right now we don't want to cost the state any money. We're not trying to pressure the state into funding things or punishing anyone on the judicial level but we just want the awareness and the goals to be brought to the attention. So we want the state to work towards these goals and that's exactly what this resolution does.

SENATOR BOURNE: Thank you. Are there questions for Mr. Valenti? See none, thank you. We appreciate your testimony.

ISHMA VALENTI: Thank you.

SENATOR BOURNE: And your hard work on the resolution.

ISHMA VALENTI: Thank you.

SENATOR BOURNE: Appreciate it. Next testifier in support?

GLORYANNA RENSHAW: My name is Gloryanna Renshaw, R-e-n-s-h-a-w. And I am a member of the Youth Initiative program. A little bit about us, we did team up with the Governor Advisory Board and for my part as a former foster ward of 13 years, the foster youth initiative, basically our role in this resolution is everything that we have been through, everything that our trials and our triumphs and stuff like that, this is exactly what we needed from the state. Some of it we did get. Some of it we didn't. But as a former foster child, this is...everyone has rights. You go to work, you have employee rights. You're a citizen, you have rights. In the state of Nebraska, when it comes to foster kids, our voices aren't necessarily heard as loud as our judges or our case managers. I just want to point out a few places in here where I personally have felt hardship and triumph. It says, whereas every child in foster care in Nebraska should have a placement plan that reflects the child's best interest and that is designed to facilitate the

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child's return home in a timely manner or a permanent placement appropriate to the needs of the child. I was 12 years old and I had a caseworker, and I was having a really hard time. I was a young girl, didn't know my mom, wanted to know her. And I had absolutely no connection and I felt like I was just lost. And so I ran away from my foster home and I was gone for two weeks. And because my caseworker didn't know me, she went into court and she said that I was doing fine. Well, at that time, living in a local park at 12 years old wasn't really fine. So that was really hard and it was...I didn't know what to do. I didn't know to say, hey, I need help. I want a mom and I don't have it. I didn't have a caseworker I could turn to. On the other hand, though, I did get a lot of help from my last caseworker, Sarah Bayh (phonetic). I would cry all the time. I'm a very emotional person and she always gave me the support in things that I need. And I wanted to say something about this resolution is that my caseworker, Sarah, always told me as a former ward that I got to give back what she gave me. And in her own words, I want this to be a hand-up, not a hand-out to caseworkers who have struggled to help me, who have helped other foster kids. And I think it's extremely important that this is...we're not asking for money, we're not asking for anyone to be punished. This is not a punishment. This is rights for youth who don't have the means of getting it for themselves as well as giving help to state workers and other agencies in which we can work together and form a voice of connection pretty much. And I just really wanted to stress that this is not punishment.

SENATOR BOURNE: Thank you. Are there questions for Ms. Renshaw? Senator Foley.

SENATOR FOLEY: Did I understand you to say that you were living in a park at a time when your caseworker was in court testifying...

GLORYANNA RENSHAW: Yeah.

SENATOR FOLEY: ...that everything was fine with your care and so forth?

GLORYANNA RENSHAW: Yeah, she was a new caseworker at the time or she had just gotten my case. And she just looked

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over the notes and there was nothing in it stating that I wasn't at my foster home and...

SENATOR FOLEY: How long were you living in the park before she realized that everything was not fine?

GLORYANNA RENSHAW: Two weeks until I went to school. I went to school and I was just sad and depressed and I didn't know how to voice it so I did other things to voice my anger and sorrow and basically I just, I had to go to my school and I had to tell them that this wasn't working, that I can't do it anymore.

SENATOR FOLEY: Thank you.

SENATOR BOURNE: Further questions? So, Ms. Renshaw, so what I hear you say is that your idea is that this resolution would go to caseworkers just to kind of raise awareness of what you or a foster kid is going through. Is that what this...your intent is?

GLORYANNA RENSHAW: That and I know that like a lot of foster kids feel like they don't have a voice. I felt like it many times but I want people to...I don't want this to be looked at oh, foster kids are fighting back and we want to get you or anything. It's not about that. I want it to be raised as awareness but at the same time I want it to be taken seriously. I don't want it just to be one of those, you know, and I know they have a lot of training processes that they go through. I don't want it to be something that they go, oh, okay, and then put it aside. I want this to be our voice. I want it to be our experience because that's what it was. We spent so much time, you know, all of us across the state spent so much time and had to rehash, you know, painful and happy things that have happened to us and things that we were grateful for and things that we felt that we didn't get. I want this to be like very much a...this is our voice, and I want to be taken seriously. I don't even know how to say it other than that.

SENATOR BOURNE: I can't tell by looking at you. Are you still in the foster care system? I don't...okay.

GLORYANNA RENSHAW: No. I am now 20 and...

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SENATOR BOURNE: Okay, I'm sorry (Laugh). I couldn't tell if you were...

GLORYANNA RENSHAW: (Laugh) It's all right. I am now 20 and I am a former ward and I'm on the Brighter Tomorrow Youth Initiative. And my caseworker was...my last caseworker was the most inspiring to me. She was just amazing and every time I called and needed help she was there for me and she showed me what I think all caseworkers initially set out to be is someone to be there, to answer the phone, to, you know, to come out and see you. My mom, I was waiting for her to come back from the military. She was stationed in Saudi Arabia. I was in a group home I did not like. It was hard, it was stressful. I had finally found a mother who loved me, you know, and I worried. I was scared to death. Is she coming back? I would call Sarah 24 hours a day as much as I could. Am I worth her coming back? Is she for real going to come back to me? And Sarah was always yes, and I look at Sarah as the type of person that...my favorite poem is Footprints in the Sand and basically, you know, when I couldn't walk Sarah was the one to carry me. And through the system I've had a lot of hardships and for my last caseworker to carry me so far as she did it was amazing. And I know that a lot of caseworkers come into it as that. They want to help young kids; they want to be there for them. And I understand that they get tied down with so much, do...so many kids, so many, you know, appointments, so many court hearings, so many case files they have to review. And sometimes with all that pressure and animosity going on that it's very easy to fall. It is very easy to think that you talked to someone and you didn't. You know what I mean? I just...so I know that they set out to be a good person to help us. I just think that sometimes us little people get a little quiet a little too often.

SENATOR BOURNE: Do you think the system...you're 20 and 8 years later, do you think the system has made strides so that...I mean, the thought of a 12...my little boy is 12 and the thought of him sleeping in a park is unbelievable. Do you think that the system is better now as you sit here eight years later or are we...have we moved forward?

GLORYANNA RENSHAW: As we do move forward, I do see it getting a lot better and I have never been so proud to say that I'm a former ward due to the fact of my youth council.

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We are former ward and current foster wards. We take time with you guys and we take time with other senators and legislators and they listen to us. And I have never felt so proud to, you know, actually be a foster kid for the first time in my life. You know, it was always foster kid. Oh, taboo, you know what I mean? And right now it has gotten a lot better because there are people willing to listen and not so much shove us under the rug or think that they talked to us and didn't.

SENATOR BOURNE: Gotcha. Further questions for Ms. Renshaw? Seeing none, thank you. Appreciate you taking the time to come in today.

GLORYANNA RENSHAW: Thank you.

SENATOR BOURNE: Ms. Stitt, how are you going to add to this?

CAROL STITT: (Exhibit 5) I don't have much to add. I just have a few numbers (Laugh). I'm Carol Stitt, the director of the Foster Care Review Board and we're certainly in support of this resolution. There's a big problem with inadequate placements for children in out-of-home care and as you heard very well, it causes a whole cascade of problems. I think we're also very concerned about some of the contracts and the lack of services the youth receive as a result of state, you know, contracting for services and not necessarily monitoring those. And we have a tremendous need for a prevention system in our state. We now have 6,200 children in out-of-home care. It's at an all-time high. And with the problems with meth we just keep having children come in of all ages. So that's really all I have to say to you. We're in support of the resolution and thank you very much for your time.

SENATOR BOURNE: Thank you. Are there questions? Senator Pedersen.

SENATOR DW. PEDERSEN: Thank you, Senator Bourne. Ms. Stitt, just to help me with the verbiage. Foster care kids can be in other places besides foster care homes, is that true?

CAROL STITT: Right. Right. Group homes...

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SENATOR Dw. PEDERSEN: This would go on to them people who are providing private placement institutions...

CAROL STITT: Right.

SENATOR Dw. PEDERSEN: ...and all of them.

CAROL STITT: Right.

SENATOR Dw. PEDERSEN: Yes. Thank you.

CAROL STITT: Yes.

SENATOR BOURNE: Further questions? Seeing none, thank you.

CAROL STITT: Yes. There is testimony here.

SENATOR BOURNE: Thank you. We'll have that handed out. Other testifiers in support? Testifiers in opposition? Testifiers neutral? That will conclude the hearing on Legislative Resolution and the hearing for this lunch hour. Do we have a motion to go into a quick executive session?

SENATOR Dw. PEDERSEN: I don't think we have enough people, do we?